



COUNTY OF LOS ANGELES
CONTRACT CITIES
LIABILITY TRUST FUND
CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

April 6, 2005

Curtis Morris
City Council Member
Dennis Courtemarche
City Manager
Mark R. Alexander
City Manager
Margaret Finlay
City Council Member
Jerome Groomes
City Manager
Susan Dever
City Council Member
Sam Olivito
California Contract
Cities Association

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Ryan Witte v. County of Los Angeles**
Compton Superior Court Case No. TC 018 066

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$600,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Animal Care and Control - Contract Cities Liability Trust Fund - Lynwood.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Department of Animal Care and Control is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Curtis Morris, Chair
Los Angeles County Contract Cities
Liability Trust Fund Claims Board

CM/gs

MEMORANDUM

March 28, 2005

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: MICHAEL MANNING
Michael Manning and Associates

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: **Ryan Witte v. County of Los Angeles**
Compton Superior Court Case No. TC 018066

DATE OF
INCIDENT: October 22, 2003

AUTHORITY
REQUESTED: \$600,000

COUNTY
DEPARTMENT: Animal Care and Control-Contract Cities Liability Trust Fund-Lynwood

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, City Council Member
MARGARET FINLAY

_____, City Council Member
SUSAN DEVER

_____, City Council Member
CURTIS MORRIS

_____, City Manager
DENNIS COURTEMARCHE

_____, City Manager
JEROME GROOMES

_____, City Manager
MARK ALEXANDER

_____, California Contract Cities Association
SAM OLIVITO

on _____, 2005

SUMMARY

This is a recommendation to settle for \$600,000, a lawsuit filed by Ryan Witte, who was injured in an automobile accident involving an employee of the Department of Animal Care and Control.

LEGAL PRINCIPLES

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On October 27, 2003, Ryan Witte was stopped at a red light on Long Beach Boulevard in the City of Lynwood. An Animal Control Officer, driving an animal control field truck, failed to notice that Mr. Witte's vehicle was stopped in front of him, and rear ended the vehicle at approximately 35-miles-per-hour. The subsequent traffic investigation found that the Animal Control Officer was the cause of the accident.

As a result of the collision, Mr. Witte sustained a lower back injury that required surgery. As a result of the injury and surgery, Mr. Witte will have permanent physical restrictions with respect to his lower back, which will prevent him from continuing his occupation as a truck driver.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 120,000
Loss of earnings	\$ 500,000
Pain and suffering	<u>\$ 500,000</u>
Total	\$1,120,000

The proposed settlement calls for the County to pay Mr. Witte \$600,000 for all of his claims for damages, costs, and attorney fees. Mr. Witte's claim for the property damage to his vehicle was previously settled for \$3,317.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.


Expenses incurred by the County in defense of this action are attorney fees of \$14,899 and \$3,278 in costs.

EVALUATION

This is a case of probable liability. The Animal Control Officer rear ended the vehicle being driven by Mr. Witte, which was stopped at a red light. A reasonable settlement at this time will avoid further litigation costs, and a potential jury verdict that could exceed the amount of the settlement.

We join with our private attorney Michael Manning, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$600,000. The Department of Animal Care and Control concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:scr